

## BEFORE THE ELEVATOR SAFETY BOARD

IN RE:        ARKANSAS STATE UNIVERSITY

### ORDER

This matter comes before the Elevator Safety Board on Friday, September 23, and Wednesday, November 3, 2004, on a request for a number of variances with respect to thirty-six (36) elevators located on the campus of Arkansas State University (ASU), Jonesboro, Arkansas. There was no representative of the university at the hearing.

**FINDINGS OF FACT:**     ASU requests a number of variances. The facts with respect to each are set out below with the action of the board.

#### **CONCLUSIONS OF LAW:**

1.     Ark. Code Ann. § 20-24-106(d) authorizes the board "to grant exceptions and variations which shall only be granted where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby".

2.     The board concludes that the cumulative amount of construction necessary for ASU to complete on these thirty-six elevators is sufficient to establish an undue hardship. The board concludes reasonable safety will be secured with respect to the variances granted, but not with respect to those denied.

THEREFORE, the board finds and orders as follows:

### **Elevator AS #1492**

This is an elevator installed in 1961 and located in University Hall. ASU applies for 3 variances, specifically:

1. ASME A17.3-1990, Rule 2.7.4, requiring door restriction. The board grants this variance for a period of two years, or until such a time as the elevator undergoes a modification.
2. ASME A17.3b-1992, Rule 2.2.1, requiring machine room enclosure. The board grants this variance until such a time as the elevator undergoes a modification.
3. ASME A17.3a-1991, Rule 3.11.1 requiring two-way communication. This request is denied.

### **Elevator AS # 1948**

This is an elevator installed in 1968 and located in the Service Center. ASU applies for 4 variances, specifically:

1. ASME A17.3-1990, Rule 2.7.4, requiring door restriction. The board determined this standard does not apply because the elevator was installed in 1968 with no major modifications. Door restrictors were not required by A17.1 until 1981. The board takes no action on this request as it is unnecessary.
2. ASME A17.1, Rule 101, requiring machine room enclosure. The board grants this variance until such a time as the elevator undergoes a modification.
3. ASME A17.1, Rule 102, requiring separation of steam, condensate and chill water pipes from elevator equipment. The board grants this variance until such a time as the elevator undergoes a modification.

4. ASME A17.3a-1991, Rule 3.11.1 requiring two-way communication. This request is denied.

**Elevator AS # 1930**

This is an elevator installed in 1971 and located in the Service Center. ASU applies for 4 variances, specifically:

1. ASME A17.3-1990, Rule 2.7.4, requiring door restriction. The board determined this standard does not apply because the elevator was installed in 1971 with no major modifications. Door restrictors were not required by A17.1 until 1981. The board takes no action on this request as it is unnecessary.

2. ASME A17.1, Rule 101, requiring machine room enclosure. The board grants this variance until such a time as the elevator undergoes a modification.

3. ASME A17.1, Rule 102, requiring separation of steam, condensate and chill water pipes from elevator equipment. The board grants this variance until such a time as the elevator undergoes a modification.

4. ASME A17.3a-1991, Rule 3.11.1 requiring two-way communication. This request is denied.

**Elevators AS # 1733 and 1734**

These two elevators were installed in 1968 and are located in the Chickasaw Building. ASU requests 3 variances, specifically:

1. ASME A17.3-1990, Rule 2.7.4, requiring door restriction. The board determined this standard does not apply because the elevators were installed in 1968 with no major modifications. Door restrictors were not required by A17.1 until 1981. The board takes no action on this request as it is unnecessary.



2. ASME A17.1, Rule 101, requiring machine room enclosure. The board grants this variance until such a time as the elevators undergo a modification.

3. ASME A17.1, Rule 102, requiring separation of steam, condensate and chill water pipes from elevator equipment. The board grants this variance until such a time as the elevators undergo a modification.

**Elevator AS # 2387**

This elevator was installed in 1974 and is located in the Agriculture Building. ASU requests 2 variances, specifically:

1. ASME A17.3-1990, Rule 2.7.4, requiring door restriction. The board determined this standard does not apply because the elevator was installed in 1974 with no major modifications. Door restrictors were not required by A17.1 until 1981. The board takes no action on this request as it is unnecessary.

2. ASME A17.1, Rule 102, requiring separation of steam, condensate and chill water pipes from elevator equipment. The board grants this variance until such a time as the elevator undergoes a modification.

**Elevator AS # 1929**

This elevator was installed in 1971 and underwent a major modification in August, 1995. It is located in the Service Center. ASU requests 3 variances, specifically:

1. ASME A17.1a-1991, Rule 111.12, requiring door restriction. There are door restrictors on the elevator, but they are inoperable as of the date of last inspection. The elevator should have been brought to current code at the date of the major modification. This variance request is denied.

2. ASME A17.1, Rule 101, requiring machine room enclosure. The board grants this variance until such a time as the elevator undergoes a modification.

3. ASME A17.1, Rule 102, requiring separation of steam, condensate and chill water pipes from elevator equipment. The board grants this variance until such a time as the elevator undergoes a modification.

**Elevator AS # 4179**

This elevator was installed in 1994 and is located in the Nursing Building. ASU requests 2 variances, specifically:

1. ASME A17.1a-1991, Rule 111.12, requiring door restriction. This variance request is denied.

2. ASME A17.1, Rule 101, requiring machine room enclosure. The board grants this variance until such a time as the elevator undergoes a modification.

**Elevator AS # 1610**

This elevator was installed in 1965 and is located in the Lab Science Building. ASU requests 3 variances, specifically:

1. ASME A17.3-1990, Rule 2.7.4, requiring door restriction. The board determined this standard does not apply because the elevator was installed in 1965 with no major modifications. Door restrictors were not required by A17.1 until 1981. The board takes no action on this request as it is unnecessary.

2. ASME A17.1, Rule 101, requiring machine room enclosure. The board grants this variance until such a time as the elevator undergoes a modification.

3. ASME A17.1, Rule 102, requiring separation of steam, condensate and chill water pipes from elevator equipment. The board grants this variance until such a time as the elevator undergoes a modification.

**Elevator AS # 2955**

This elevator was installed in 1981. ASU requests 1 variance, specifically:

1. ASME A17.1a-1991, Rule 111.12, requiring door restriction. This variance request is denied.

**Elevator AS # 1442**

This elevator was installed in 1965 and is located in the Administration Building. ASU requests 4 variances,

1. ASME A17.3-1990, Rule 2.7.4, requiring door restriction. The board determined this standard does not apply because the elevator was installed in 1965 with no major modifications. Door restrictors were not required by A17.1 until 1981. The board takes no action on this request as it is unnecessary.

2. ASME A17.1, Rule 101, requiring machine room enclosure. The board grants this variance until such a time as the elevator undergoes a modification.

3. ASME A17.1, Rule 102, requiring separation of steam, condensate and chill water pipes from elevator equipment. The board grants this variance until such a time as the elevator undergoes a modification.

4. ASME A17.1, Rule 102, regarding wiring in the hoistway. ASU requests that coaxial wiring in the hoistway be allowed to remain. The board grants this variance until such time as the elevator undergoes a modification.



### **Elevator AS # 2399**

This elevator was installed in 1975 and is located in the Physical Education Building. ASU requests 4 variances, specifically:

1. ASME A17.3-1990, Rule 2.7.4, requiring door restriction. The board determined this standard does not apply because the elevator was installed in 1975 with no major modifications. Door restrictors were not required by A17.1 until 1981. The board takes no action on this request as it is unnecessary

2. ASME A17.1, Rule 102, requiring separation of steam, condensate and chill water pipes from elevator equipment. The board grants this variance until such a time as the elevator undergoes a modification.

3. ASME A17.1b-1992, Rule 102.1, requiring fire fighters' service. Fire fighters' service was not required by ASME A17.1 in 1975, the year this elevator was installed. There has been no modification to the elevator. The Board takes no action on this request deeming it unnecessary.

4. ASME A17.1, Rule 204 requiring metal or fire-resistive car enclosures. The car on this elevator appears to be wooden. The Board grants a variance until such time as the elevator undergoes a modification.

### **Elevators AS # 2100, 1491, and 2558**

Elevator AS #2100 was installed in 1971 and is located in the Bookstore. AS #1491 was installed in 1965 and is located in the Library. AS # 2558 was installed in 1977 and is a freight elevator located in the Museum. ASU requests the same variance on all three elevators, specifically:

1. ASME A17.1, Rule 102, requiring separation of steam, condensate and chill water pipes from elevator equipment. The board grants this variance until such a time as the elevators undergo a modification.

**Elevators AS # 1334 and 1335**

Both elevators were installed in 1966 and are located in Kay's Hall. ASU requests 5 variances with respect to each elevator, specifically:

1. ASME A17.3-1990, Rule 2.7.4, requiring door restriction. The board determined this standard does not apply because the elevators were installed in 1966 with no major modifications. Door restrictors were not required by A17.1 until 1981. The board takes no action on this request as it is unnecessary

2. ASME A17.1, Rule 101, requiring machine room enclosure. The board grants this variance until such a time as the elevators undergo a modification.

3. ASME A.17.1, Rule 102, dealing with electrical equipment, pipes and ducts in the hoistway. ASU requests a variance to allow a 10-inch duct and roof drain to remain in the shafts. The board grants this variance until such a time as the elevator undergoes a modification.

4. ASME A17.1, Rule 102.1, requiring fire fighters' service. Fire fighters' service was not required by ASME A17.1 in 1966, the year these elevators were installed. There has been no modification to the elevators. The Board takes no action on this request deeming it unnecessary.

5. ASME A17.1, Rule 211 requiring two-way communication. This request is denied.



#### **Elevator AS # 3943**

This elevator was installed in 1987 and is located in the Library. ASU requests one variance, specifically:

1. ASME A17.1, Rule 111.12, requiring door restriction. This variance request is denied.

#### **Elevator AS # 5236**

This elevator was installed in 2001 and is located in a parking deck. ASU requests a single variance, specifically:

1. ASME A17.1a-1991, Rule 111.12, requiring door restriction. This variance request is denied.

#### **Elevator AS #1947**

This elevator was installed in 1968 and is located in the Service Center. ASU requests a single variance, specifically:

1. ASME A17.3-1990, Rule 2.7.4, requiring door restriction. The board determined this standard does not apply because the elevator was installed in 1968 with no major modifications. Door restrictors were not required by A17.1 until 1981. The board takes no action on this request as it is unnecessary

#### **Elevator AS # 3530**

This elevator was installed in 1987 and is located in the Lab Science Building. ASU has one request, specifically:

1. ASME A17.1, Rule 111.12, requiring door restriction. This variance request is denied.

### **Elevators AS # 3376 and 3377**

These elevators were installed in 1986 and are located in the Convocation Center. ASU requests 2 variances with respect to each elevator, specifically:

1. ASME A17.1, Rule 111.12, requiring door restriction. This variance request is denied.

2. ASME A17.1, Rule 102, requiring separation of steam, condensate and chill water pipes from elevator equipment. The board grants this variance until such a time as the elevators undergo a modification.

### **Elevators AS #1946**

This elevator was installed in 1968 and is located in the Service Center. ASU requests 4 variances, specifically:

1. ASME A17.3-1990, Rule 2.7.4, requiring door restriction. The board determined this standard does not apply because the elevator was installed in 1968 with no major modifications. Door restrictors were not required by A17.1 until 1981. The board takes no action on this request as it is unnecessary

2. ASME A17.1, Rule 102, requiring separation of steam, condensate and chill water pipes from elevator equipment. The board grants this variance until such a time as the elevator undergoes a modification.

3. ASME A17.1, Rule 102, requiring 7-feet of headroom in the machine room. The board grants this variance until such a time as the elevator undergoes a modification.

4. ASME A17.1, Rule 211, requiring two-way communication. This request is denied.

### **Elevators AS # 1489 and 1490**

These elevators were installed in 1965 and are located in Arkansas Hall. ASU requests 2 variances with respect to each elevator, specifically:

1. ASME A17.3-1990, Rule 2.7.4, requiring door restriction. The board determined this standard does not apply because the elevators were installed in 1965 with no major modifications. Door restrictors were not required by A17.1 until 1981. The board takes no action on this request as it is unnecessary

2. ASME A17.1, Rule 211, requiring two-way communication. This request is denied.

### **Elevator AS # 3442**

This elevator was installed in 1989 and is located in the Art Annex. ASU requests 1 variance, specifically:

1. ASME A17.1, Rule 111.12, requiring door restriction. This variance request is denied.

### **Elevator AS # 2048**

This elevator was installed in 1968 and is located in the Service Center. ASU requests 3 variances, specifically:

1. ASME A17.3-1990, Rule 2.7.4, requiring door restriction. The board determined this standard does not apply because the elevator was installed in 1968 with no major modifications. Door restrictors were not required by A17.1 until 1981. The board takes no action on this request as it is unnecessary



2. ASME A17.1, Rule 102, requiring separation of steam, condensate and chill water pipes from elevator equipment. The board grants this variance until such a time as the elevator undergoes a modification.

3. ASME A17.1, Rule 211, requiring two-way communication. This request is denied.

**Elevator AS # 3443**

This elevator was installed in 1986 and is located in the Math Building. ASU requests 1 variance, specifically:

1. ASME A17.1, Rule 111.12, requiring door restriction. This variance request is denied.

**Elevator AS # 5435**

This elevator was installed in 1987 and is located in the Library. ASU requests 3 variances, specifically:

1. ASME A17.3-1990, Rule 2.7.4, requiring door restriction. The board determined this standard does not apply because the elevator was installed in 1987 with no major modifications. Door restrictors were not required by A17.1 until 1981. The board takes no action on this request as it is unnecessary.

2. ASME A.17.1, Rule 102, dealing with electrical equipment, pipes and ducts in the hoistway. ASU requests a variance to allow a 10-inch duct and roof drain to remain in the shaft. The board grants this variance until such a time as the elevator undergoes modification.

3. ASME A17.1, Rule 101, requiring fire-resistive construction of machine spaces. ASU requests a variance to enclose 12 x 8 windows adjacent to the controller with fire-resistive sheet rock. The board grants this variance.

**Elevators AS # 1559, 1560, 1561, and 1562**

These elevators were all installed in 1968 and are located in the Twin Towers. ASU requests 4 variances with respect to each elevator:

1. ASME A17.3-1990, Rule 2.7.4, requiring door restriction. The board determined this standard does not apply because the elevators were installed in 1968 with no major modifications. Door restrictors were not required by A17.1 until 1981. The board takes no action on this request as it is unnecessary.

2. ASME A17.1, Rule 102, requiring separation of steam, condensate and chill water pipes from elevator equipment. The board grants this variance until such a time as the elevators undergo a modification.

3. ASME A17.1, Rule 102.1, requiring fire fighters' service. Fire fighters' service was not required by ASME A17.1 in 1968, the year these elevators were installed. There has been no modification to the elevator. The Board takes no action on this request deeming it unnecessary.

4. ASME A17.1, Rule 211 requiring two-way communication. This request is denied.

**Elevator AS # 2868**

This elevator was installed in 1980 and is located in the College of Business. ASU requests 3 variances, specifically:

1. ASME A17.3-1990, Rule 2.7.4, requiring door restriction. The board determined this standard does not apply because the elevator was installed in 1980 with no major modifications. Door restrictors were not required by A17.1 until 1981. The board takes no action on this request as it is unnecessary.

2. ASME A17.1, Rule 102, requiring separation of steam, condensate and chill water pipes from elevator equipment. The board grants this variance until such a time as the elevator undergoes a modification.

3. ASME A.17.1, Rule 102, dealing with electrical equipment, pipes and ducts in the hoistway. ASU requests a variance to allow a 10-inch duct and roof drain to remain in the shaft. The board grants this variance until such a time as the elevator undergoes modification.

#### **Elevator AS # 1493**

This elevator was installed in 1961 and is located in the Wilson Building. ASU requests 4 variances, specifically:

1. ASME A17.3-1990, Rule 2.7.4, requiring door restriction. The board grants this variance for a period of two years or until such a time as the elevator undergoes modification.

2. ASME A17.3b-1992, Rule 2.2.1, requiring machine room enclosure. The board grants this variance until such a time as the elevator undergoes a modification.

3. ASME A17.3a-1991, Rule 3.11.3, requiring fire fighters' service. The board grants this variance for a period of two years or until such a time as the elevator undergoes a modification.



4. ASME A17.3a-1991, Rule 3.11.1, requiring two-way communication. This request is denied.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD  
STATE OF ARKANSAS

By   
James L. Salkeld, Chairman

Date: 11-3-04

Approved:

Denise P. Oxley, 84-117  
Chief Legal Counsel  
Arkansas Department of Labor  
10421 West Markham  
Little Rock, AR 72205  
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD  
STATE OF ARKANSAS

IN RE:        PETERSON FARMS, INC.  
              AS # 3519

ORDER

This matter came before the Elevator Safety Board on Friday, September 23, 2004. Peterson Farms, Inc. was present and represented by Jim Bruce, Manager. The Board makes the following findings of facts and conclusions of law.

FINDINGS OF FACT:

1.     Peterson Farms, Inc. applied for a variance on or about March 4, 2004. Specifically, Peterson Farms requested that its freight elevator, AS # 3519, be re-classified as a material lift. The elevator was installed in 1987.
2.     On May 12, 2004, the Board denied Peterson Farm's variance request. Peterson Farms subsequently requested reconsideration of its variance request and this came before the Board this date, Friday, September 23, 2004.
3.     Peterson Farms, Inc. has made a number of modifications to insure that no passengers ride this elevator. Specifically:
  - a.     All car controls have been removed. The elevator can not be operated from controls inside the car. Only external hoistway buttons are operable.
  - b.     Indicator lights have been installed, so that when the car is at the lower level, a red light comes on at the upper level and the top door is locked. When the car is at the upper level, a red light is on at the lower level and the door is locked.
  - c.     There are signs at both landings in English and Spanish prohibiting passengers from riding the elevator.

d. There are surveillance cameras monitoring the elevator to insure employees do not ride.

CONCLUSIONS OF LAW:

1. The Board is authorized to grant a variance pursuant to Ark. Code Ann. § 20-24-106(d).

2. The Board finds that in the present case the variance should be granted, conditioned upon the continued maintenance of the safety enhancements outlined above to keep passengers off the unit and conditioned upon the fact that there will actually be no rider or riders on the unit at any time for any reason.

THEREFORE, the board orders that the variance be granted and that the elevator be re-classified as a material lift conditioned upon: 1) the continued maintenance of the safety enhancements outlined in paragraph 3 above; and 2) no passenger will in fact ride the unit at any time for any reason.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD  
STATE OF ARKANSAS

By:   
James L. Salkeld, Chairman

Date: 11-3-04

Approved:  
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BEFORE THE ELEVATOR SAFETY BOARD  
STATE OF ARKANSAS

IN RE:       DYKE INDUSTRIES, INC.  
              AS #68

ORDER

This matter came before the Elevator Safety Board on Friday, September 23, 2004. Dyke Industries was not present. Larry Smothers, Chief Elevator Inspector, made a report and recommendation to the Board. The Board makes the following findings of facts and conclusions of law.

FINDINGS OF FACT:

1. AS # 68 is a passenger elevator installed in 1958. It is located at 306 Center Street, Little Rock, Arkansas and is owned by Dyke Industries, Inc. The elevator is maintained by Otis.
2. The building in which AS #68 is located is vacant at present. Access to the building is controlled by the owner. There are no plans to lease the upper floors of the building. Dyke Industries wishes to keep the unit permitted, maintained and operable.
3. Dyke Industries requests a variance from the 2-way communication requirement until such a time as space in the building is leased or the building is sold.
4. The Chief Elevator Inspector recommended that the variance be granted, subject to the following conditions:

a. The term of the variance is limited until the building or any part of the building is occupied for use, but in no event longer than 5 years; and

b. The elevator is locked-out and tagged-out for general access and is placed in service only for inspections, safety tests, and servicing.

CONCLUSIONS OF LAW:

1. The Board is authorized to grant a variance pursuant to Ark. Code Ann. § 20-24-106(d).

2. Because the elevator was installed in 1958, the applicable ASME Code provision as adopted by the Board is ASME A17.3a-1991, Rule 311.1(a)(2), which requires all elevators to be provided with a "means of two-way conversation between the car and a readily accessible point outside the hoistway which is available to emergency personnel (telephone, intercom, etc.). The means to activate the two-way conversation system does not have to be provided in the car".

3. The Board finds that in the present case the variance should be granted, subject to the conditions recommended by the Chief Inspector.

THEREFORE, the board orders that the variance be granted subject to the following conditions:

1. The term of the variance is limited until the building or any part of the building is occupied for use, but in no event longer than 5 years; and

2. The elevator is locked-out and tagged-out for general access and is placed in service only for inspections, safety tests, and servicing.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD  
STATE OF ARKANSAS

By:   
James L. Salkeld, Chairman

Date: 11-3-04

Approved:  
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